

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KELVIN MAURICE HORNE,)	
)	
Petitioner,)	
)	1:24-cv-782
v.)	1:17-cr-288-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Recommendation and Order ("Recommendation") filed on October 1, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 137.) The Recommendation was served on the parties in this action on October 1, 2024. (Doc. 138.) Petitioner timely filed objections to the Recommendation, (Doc. 139).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

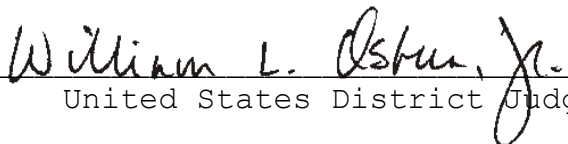
This court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination in accord with the Magistrate Judge's report. This court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 137), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED** for Petitioner's failure to obtain certification for this action under Section 2255 by filing a motion for authorization in the United States Court of Appeals for the Fourth Circuit as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d).

The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 4th day of December, 2024.


United States District Judge